

**CHIROPRACTIC EXAMINING BOARD
MADISON, WI
MINUTES
September 18, 2003**

PRESENT: Steven Conway, Susan Feith, Char Glocke, Brouck Sleight,
James Rosemeyer, James Weber

STAFF PRESENT: Kimberly Nania, Ph.D, Bureau Director; Jacquelynn Rothstein;
Legal Counsel, Gina York; and Division of Enforcement and other
staff

GUESTS: Ron Hermes, WPTA; Rachel Schraufnagel, WCA;
Bill Buissaunlt, WPTA; and Ann M. Bell, PAPMI Study

CALL TO ORDER

James Rosemeyer, Chair, called the meeting to order at 8:08 a.m. A quorum of 6 members was present.

AGENDA

Additions to the Agenda:

None.

MOTION: James Weber moved, seconded by Steven Conway, to approve the agenda as written. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 17, 2003

Amendments to the Minutes:

None.

MOTION: Brouck Sleight moved, seconded by Steven Conway, to approve the minutes of July 17, 2003, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania, Ph.D., Director of Health Services, provided an update to the Board regarding additional ways the Department is looking at to deal with the budget. One area being discussed is to cut back on the number of Board meetings for the upcoming year. There is nothing final at this

time. Dr. Nania will keep the Board posted of any changes. Dr. Nania shared that the Department will be starting the remodeling of the building soon.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

There were no proposed stipulations to be presented before the Board at this time.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Jacquelynn Rothstein, Legal Counsel reviewed the report on pending court cases with the Board. An issue arose relating to a Circuit Court Decision from Eau Claire regarding a Harold J. Dykema. There Board requested that a teleconference be set up to discuss this case and whether an appeal should be filed. The Board expressed that when time sensitive issues come up the Board Chair should be notified immediately. Attorney Rothstein and Dr. Nania noted the request.

CORRESPONDENCE AND PRESENTATION BY ANN M. BELL, D.C. REGARDING PAP-IMI DEVICE

Ann M. Bell, D.C presented information to the Board regarding the PAP-IMI Device. Dr. Bell was not able to bring the equipment for a demonstration but gave a very detailed description regarding its functions and the operation of it. After much discussion, the Board took the following action.

MOTION: Brouck Sleight moved, seconded by James Weber, to request Jacquelynn Rothstein, Legal Counsel to send a letter to Ms. Bell and reaffirm the original decision of the Board (May 15, 2003) and informing her of the potential violation of the delegation code. Motion carried unanimously.

APPROVAL OF CE OFFERED BY TEXAS COLLEGE OF CHIROPRACTIC AND MIDWEST NUTRITIONAL SERVICE BARBARA SHOWERS

Barbara Showers, Office of Education and Examination discussed with the Board the Texas

College of Chiropractic's Fall 2003 Seminar Registration Information. The issue presented was that an unapproved sponsor is advertising as if they are approved. Dr. Showers presented to the Board a draft letter addressing this issue to Texas College. The Board took the following action.

MOTION: Brouck Sleight moved, seconded by James Weber, to send a letter to Texas College of Chiropractic as reflected by Dr. Showers September 18, 2003 letter. Motion carried unanimously.

CORRESPONDENCE FROM SHERRY L. WALKER, D.C.

Jacquelynn Rothstein, Legal Counsel sent a letter on July 22, 2003 to Russ Leonard of WCA regarding approval and qualifications as an instructor for courses he was to be teaching in the fall of 2003 and whether there was a potential for a conflict of interest. Dr. Sherry Walker responded back to Attorney Rothstein on behalf of Mr. Leonard to clarify questions and address any concerns identified in the July letter.

CHIROPRACTIC DEFINITION REPORT FROM DR. ROSEMEYER AND DR. CONWAY

There was nothing to report at this time.

EXAM CANDIDATES

Brouck Sleight chaired the meeting at 9:14 a.m. while James Rosemeyer left the meeting briefly to talk with the exam candidates.

PRECEPTOR APPROVAL

There were ten preceptors before the board for approval. They were Robin L. Baker, Shayne M. Bauer; Lynn A. Biese; Gregory P. Boehlke; Russell R. Hauser; Timothy C. Kirchberg; Scott C. Kurtti; Sandra C. Litang Canon; Michael R. Utschig; and Jennifer L. Vollrath-Grosam.

MOTION: Char Glocke moved, seconded by Steven Conway, to approve all preceptors presented before the Board on 9/18/03. Motion carried unanimously.

MOTION: Char Glocke moved, seconded by Susan Feith, to request that a field be added to the DRL database to indicate that the individual is a preceptor and dates for which they are approved. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

NONE.

DISCUSSION REGARDING PHYSIOTHERAPY COURSEWORK ACCEPTABLE FOR CERTIFICATION

The Board discussed the information submitted by Julie Reimann regarding the Physiotherapy Course information from Palmer College. After review and discussion, the Board took the following action.

MOTION: Steven Conway moved, seconded by Brouck Sleight, to request Julie Reimann to send a letter to Palmer College asking for the syllabi on the Physiotherapy I & II Courses and if they contain Galvanic & Ultra Sound Therapy, they are approved. Motion carried unanimously.

STATUS AND UPDATE OF WCA PROPOSED LEGISLATION

The Board requested Jacquelynn Rothstein, Legal Counsel to check on the status of the WCA legislation (AB236) and report back to the Board at the October 2003 meeting.

DISCUSSION OF RULES BY DR. CONWAY AND LEGAL COUNSEL

NOTED.

UPDATE REGARDING RULES FORWARDED TO THE CLEARINGHOUSE

Jacquelynn Rothstein, Legal Counsel referred the Board to the Summary Report, items

numbered 15 and 16. Attorney Rothstein informed the Board that these rules have been sent to the Clearinghouse for legislative approval. She will check further into the status of these rules and if there appears to be any concerns, Attorney Rothstein will contact the Board Chair, James Rosemeyer.

DISCUSSION AND EXAMPLES OF CRITERIA FOR COURSE REQUIREMENTS AND RELATED RULE LANGUAGE

The Board expressed an interest in setting up criteria for course requirements and qualifications of CE instructors. Jacquelynn Rothstein, Legal Counsel will provide examples and copies of various rules by other professions who have such requirements in place. The Board will review this material at their October meeting.

DISCUSSION REGARDING TITLE PROTECTION AND TITLE PROTECTION FOR “CHIROPRACTIC” AND “ADJUSTMENT” TERMINOLOGY

The Board postponed. No draft language for Title Protection, use of terms “chiropractic” and “adjustment” were completed by legal counsel. Attorney Rothstein will prepare the requested draft language for the October 16, 2003 meeting.

DISCUSSION REGARDING NEED FOR DEVELOPING STANDARDS FOR APPROVAL OF TRAINING PROGRAMS RELATING TO DELEGATION OF UNLICENSED PERSONS

The Board discussed this topic at length. Dr. James Weber will create a draft policy for consideration at the next meeting. The Board requested the Department to provide a list of all current existing policies for the Board’s October meeting.

DISCUSSION AND INFORMATION REGARDING COLD LASERS EDUCATION – STEVEN CONWAY

Steven Conway had no updates regarding this topic. This topic will remain on the agenda for the next meeting.

**DISCUSSION REGARDING PACE
(PROVIDERS OF APPROVED CONTINUING EDUCATION)
JAMES ROSEMEYER**

Dr. Rosemeyer had no updates regarding this topic. This topic will remain on the agenda for the next meeting.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

The Board reviewed correspondence submitted by Jacquelynn Rothstein, Legal Counsel. The Board will authorize Legal Counsel to respond on behalf of the Board when appropriate.

**CORRESPONDENCE TO RUSS LEONARD, DIRECTOR OF WCA
REGARDING ALLEGED VIOLATION TO PROVIDE NAMES**

Jacquelynn Rothstein, Legal Counsel sent a letter on behalf of the Board to Russ Leonard, Director of WCA on July 22, 2003 requesting the submission of names for individuals involved in an alleged violation. Mr. Leonard failed to respond to Attorney Rothstein's letter.

**E-MAIL CORRESPONDENCE REGARDING WCA
SEMINAR AND INSTRUCTORS DR. YEOMANS AND
RUSS LEONARD, DIRECTOR OF WCA**

Jacquelynn Rothstein, Legal Counsel sent a letter on behalf of the Board to Russ Leonard, Director of WCA on July 22, 2003. On August 18, 2003, Barbara Showers shared information with legal counsel on approvals granted for Dr. Yeomans and Mr. Russ Leonard as instructors and for which courses each is approved to teach. On August 25, 2003, legal counsel received a letter from Sherry Walker, D.C. on behalf of Mr. Leonard addressing the Boards concerns.

VISITOR COMMENTS

NOTED.

CLOSED SESSION

MOTION: Steven Conway moved, seconded by James Weber, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Susan Feith-yes; Char Glocke-yes; Brouck Sleight-yes; James Rosemeyer-yes; James Weber-yes.

Open Session recessed at 11:14 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Steven Conway moved, seconded by Susan Feith, to reconvene into Open Session at 12:44 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

CONSULTING WITH LEGAL COUNSEL REGARDING THE SUIT BY WCA AGAINST THE EXAMINING BOARD

The Board inquired whether there were any updates regarding the suit by the WCA against the Chiropractic Examining Board. This topic will be postponed to the next agenda. Jacquelynn Rothstein, Legal counsel will report to the Board at that time.

DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

There were not stipulations before the Board at this time.

APPEARANCE REQUESTING FULL LICENSURE AND EXEMPTION FROM EXAM

JOHN ADERHOLDT

MOTION: James Weber moved, and seconded by Brooke Sleight, to require John Aderholdt to take the National Board SPEC Exam and the Jurisprudence Exam and upon successful completion with a passing grade, grant him a three-month stay with the submission of quarterly mentor reports by a Board approved mentor for the period of one year. Motion carried unanimously.

REQUESTS FOR FULL LICENSURE AND LIMITED LICENSE BE EXPUNGED FROM PROFESSIONAL LICENSURE RECORD

SHAWN GIESE

MOTION: Char Glocke moved, and seconded by Brouck Sleight, to grant full licensure to Shawn Giese but deny his request for expungement of this record. Reason for Denial: The Board does not have the authority. Motion carried unanimously.

POSSIBLE BOARD VIOLATION

MATHEW CHASE

MOTION: Steven Conway moved, and seconded by James Weber, to send back to DOE for Violation of the Board Order. Motion carried unanimously.

RICHARD HORAITIS

MOTION: Steven Conway moved, and seconded by James Weber, to grant Richard Horaitis an extension for 30 days to submit the required mentor reports. Motion carried unanimously.

COMPETITION OF BOARD ORDER

TIMOTHY JOHNSON

Timothy Johnson has successfully completed his Monitoring Program.
No Action Needed.

MICHAEL RUSAK

MOTION: Brouck Sleight moved, and seconded by James Weber, to grant Michael Rusak full licensure. Char Glocke – Abstained. Motion carried.

ENDORSEMENT APPLICATION REVIEW

PATRICK J. FARRELL

MOTION: James Weber moved, and seconded by Steven Conway, to approve the application by endorsement for Patrick J. Farrell. Motion carried unanimously.

CLARK D. HELLER

MOTION: James Weber moved, and seconded by Steven Conway, to approve the application by endorsement for Clark D. Heller. Motion carried unanimously.

STACEY A. LENISA

MOTION: James Weber moved, and seconded by Steven Conway, to approve the application by endorsement for Stacey A. Lenisa. Motion carried unanimously.

DANIEL M. PAGE

MOTION: James Weber moved, and seconded by Steven Conway, to approve the application by endorsement for Daniel M. Page. Motion carried unanimously.

THOMAS B. SATO

MOTION: James Weber moved, and seconded by Steven Conway, to approve the application by endorsement for Thomas B. Sato. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

MOTION: James Weber moved, seconded by Susan Feith, to close case **03 CHI 013** for compliance gained.

MOTION: James Weber moved, seconded by Susan Feith, to close case **03 CHI 014** for compliance gained.

MOTION: James Weber moved, seconded by Susan Feith, to close case **03 CHI 015** for compliance gained.

MOTION: James Weber moved, seconded by Susan Feith, to close case **03 CHI 016** for compliance gained.

MOTION: James Weber moved, seconded by Susan Feith, to close case **03 CHI 40** for compliance gained.

CONSULT WITH LEGAL COUNSEL

Noted.

INFORMATIONAL ITEMS

Noted.

OTHER BOARD BUSINESS

SCHEDULING A TELECONFERENCE FOR SEPTEMBER REGARDNG CIRCUIT COURT CASE DECISION FOR

HAROLD J. DYKEMA

The Board requested a teleconference be set of September 29, 2003. Jacquelynn Rothstein, Legal Counsel will present to the Board the Eau Claire Circuit Court Decision regarding *Harold J. Dykema v. State of Wisconsin Chiropractic Examining Board*. Kimberly Nania and Jacquelynn Rothstein will coordinate this meeting. Attorney Rothstein will identify how this topic should be posted on the agenda to meet all legal requirements.

RESIGNATION OF BOARD MEMBER

Dr. Brouck Sleight informed the Board that he is resigning and today would be his last meeting. The Board expressed their appreciation of his work and commitment to the Board and serving the residents of Wisconsin.

ADJOURNMENT

MOTION: James Weber moved, seconded by Steven Conway, to adjourn the meeting at 12:58 p.m. Motion carried unanimously.

Next Meeting:
Thursday,
October 16, 2003
8:00 a.m.